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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/939,445	08/27/2001	Joshua Dickinson Kraft	JDK003	3645
7590	04/19/2004	EXAMINER		
J.B. KRAFT SUITE 5-C 71C COLORADO ST. AUSTIN, TX 78701			FOULADI SEMNANI, FARANAK	
		ART UNIT	PAPER NUMBER	
		2672	8	

DATE MAILED: 04/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/939,445	KRAFT, JOSHUA DICKINSON
	Examiner	Art Unit
	Faranak Fouladi	2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 30 December 2003.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1,2,4-9 and 11-14 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1,2,4-9 and 11-14 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 27 August 2001 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1)  Notice of References Cited (PTO-892)

2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. 6.

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_\_.

**DETAILED ACTION**

1. This action is responsive to communications: application, filed on 08/27/01; amendment A, filed 12/30/03.
2. Claims 1,2, 4-9, 11-14 are pending in the case, with claims 1 and 8 being independent.
3. Claims 3 and 10 have been cancelled.
4. The present title of the application is "Computer controlled interactive touch display pad with transparent full character keyboard overlaying displayed text and graphics" (as originally filed).
5. **THIS ACTION IS MADE FINAL.**

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
7. Claims 1, 2, 4-9, 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cobbley et al. US patent 6,501,464 B1 (hereafter Cobbley).
8. Regarding independent claim 1, "a portable computer controlled user interactive touch responsive read/write display pad comprising:

a display screen displaying text and graphics;

*Cobbley disclose in col. 1 line 66 – col. 2 line 2 “display 500 may be associated with a processor-based system, such as an Internet tablet, a personal digital assistant, a handheld processor-based system or any other processor-based system, as shown in FIG. 1.”*

a transparent touch sensitive pad covering said display screen;

*Cobbley disclose in col. 2 lines 7-8 “Appearing as if it were superimposed over the page 504 is a transparent keyboard interface 508.*

means responsive to cursive drawing touch input for displaying such drawing on said display screen;

As admitted by applicant in specification page 8 line 32 – page 9 line 3 “*If the user decides to edit, annotate or take class notes in his notebook, he may switch into an edit mode as shown in FIG. 4 where he may use pressure stylus 51 in the conventional manner to add cursive notes 52 or cursive drawing or graphics 53.*”

means for displaying a full character keyboard on said display screen;

*Cobbley disclose in col. 4 lines 13-23 “FIG. 3 is a diagram of a software and hardware stack for implementing transparent graphics according to one embodiment of the present invention. Application programs 200 may be specifically designed to use transparent display object call functions provided by transparency support software 202 to define and update the transparent display objects. That is, certain calls to such functions may be programmed into application programs in order to use transparency display features. An on-screen transparent keyboard interface application may be one example of such an application program.*

means responsive to touch inputs to characters on said keyboard for displaying said touch keyboard inputs as text entries within said displayed text and graphics; and

*Cobbley disclose in col. 2 lines 21-25 “In some embodiments of the present invention, the display 500 may be a touch screen display. In another embodiment, a conventional display may be utilized, such as a liquid crystal display, in which a mouse may be utilized to select particular key images 510 for text entry.*

means for selectively rendering either one of said means responsive to cursive drawing or said means responsive to inputs to touch keyboard non-interactive, while the other of said means remains interactive to thereby permit the unimpeded functioning of the means remaining interactive.

*Cobbley disclose in col. 2 lines 27-36 "Thus, the user may selectively enter the data by selecting the transparent key images 510 causing text to be entered into a selected data entry box 506. In some embodiments of the present invention, the interface 502 may be selectively placed in either a keyboard mode or a non-keyboard mode. In the keyboard mode, selecting any of the key images 510 causes text to be entered into the text entry boxes 506. In the non-keyboard mode, the key images 510 are inactive and the user can select one of the text entry boxes 506, as an example, for text entry."*

Cobbley does not explicitly disclose "means responsive to cursive drawing touch input for displaying such drawing on said display screen" but Cobbley disclose in col. 1 line 65 – col. 2 line 2 that a display may be associated with a processor-based system such as a personal digital assistance. It would have been obvious to an ordinary skilled in the art at the time of invention that a personal digital assistant disclosed by Cobbley could have been used with stylus in the conventional manner to input cursive drawing when the keyboard is not active (in non interactive mode).

9. Regarding dependent claim 2, "the display pad of claim 1 wherein said full character keyboard is superimposed upon and transparent to said displayed text and graphics." Cobbley disclose in col. 2 lines 7-8.
10. Regarding dependent claim 4, "the display pad of claim 2 further including means for varying the transparency of said superimposed keyboard." Cobbley disclose in col. 2 lines 56-58.

11. Regarding dependent claim 5, "the display pad of claim 3 further including means for varying the transparentness of said superimposed keyboard whereby said keyboard is less transparent when said keyboard is interactive and more transparent when said keyboard is non-interactive." Cobbley disclose in col. 2 lines 60-62 and 64-67.
12. Regarding dependent claim 6, "the display pad of claim 3 further including means responsive to an input to a key in said keyboard for rendering interactive said means responsive to keyboard inputs and for rendering non-interactive said means responsive to cursive drawing." Cobbley disclose in col. 2 lines 27-30.
13. Regarding dependent claim 7, "the display pad of claim 6 further including means for varying the transparentness of said superimposed keyboard whereby said keyboard is less transparent when said keyboard is interactive and more transparent when said keyboard is non-interactive." Cobbley disclose in col. 2 56-67.
14. Claims 8,9, 11-14 recite method steps performed by the apparatus of claims 1, 2, 4-7; therefore they are similar in scope and rejected under the same rationale.

#### ***Response to Arguments***

15. Applicant's arguments filed on 12/30/03 have been fully considered but they are not persuasive.

Applicant argues on page 8 last paragraph lines 1-4 "*While Cobbley does disclose an activatable transparent keyboard, it does not suggest the entry of any*

*form of cursive drawing via a stylus or some other drawing instrument.*" But applicant has disclosed in specification page 8 line 32 – page 9 line 3 "*If the user decides to edit, annotate or take class notes in his notebook, he may switch into an edit mode as shown in FIG. 4 where he may use pressure stylus 51 in the conventional manner to add cursive notes 52 or cursive drawing or graphics 53.*" Therefore entry of any form of cursive drawing by using a stylus or some other drawing instrument is not novel.

### **Conclusion**

**16. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

**17.** The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892 form.

Any this communication from the examiner should inquiry concerning be directed to Faranak Fouladi whose telephone number is 703-305-3223. The examiner can normally be reached on Mon-Fri from 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reach at 703-305-4713.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, DC. 20231

Or faxed to: 703-872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, sixth-floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is 703-306-0377.

Faranak Fouladi-Semnani  
Patent Examiner  
Art Unit 2672



MICHAEL RAZAVI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600